

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES E. MUGAN,

Civ. Act. No.: 09-CV-6711 (NRB) (FM)

Plaintiff,

-against-

NOTICE OF MOTION

HARTFORD LIFE GROUP INSURANCE
COMPANY,

DOCUMENT
ELECTRONICALLY FILED

Defendant.

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PLEASE TAKE NOTICE that, upon the Declaration of Juan Mendez dated July 19, 2010, the Declaration of Bruce Luddy dated July 20, 2010, the Declaration of Michael H. Bernstein, Esq. dated July 23, 2010 and the exhibits annexed thereto, the Rule 56.1 Statement of Material Facts, and Memorandum of Law in support, all simultaneously submitted herewith, defendant, HARTFORD LIFE GROUP INSURANCE COMPANY (“Hartford”), by its attorneys, Sedgwick, Detert, Moran & Arnold LLP, will move this Court, on a date and at a time set by the Court, before the Hon. Naomi Reice Buchwald, U.S.D.J., at the United States District Courthouse for the Southern District Of New York, 500 Pearl Street, Courtroom 21A, New York, New York 10007 for an Order pursuant to Rule 56, FED. R. CIV. PROC., granting summary judgment dismissing plaintiff’s Amended Complaint, which seeks relief under the Employee Retirement Income Security Act of 1974 (“ERISA”) §502(a)(1)(B); 29 U.S.C. §1132(a)(1)(B), with prejudice on the grounds that Hartford’s decision to deny his claim for continuing long term disability (“LTD”) benefits under the governing ERISA plan was not arbitrary and capricious, and awarding Hartford summary judgment on its counterclaim for equitable restitution of overpaid LTD benefits plaintiff received in the amount of \$86,016.00, and for such other and further relief this Court deems just and proper.

Dated: New York, New York
July 23, 2010

Respectfully Submitted,

s/

MICHAEL H. BERNSTEIN (MB 0579)
JOHN T. SEYBERT (JS 5014)
SEDGWICK, DETERT, MORAN & ARNOLD LLP
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New York, New York 10004-2400
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(SDMA File No. 02489-000025)
Attorneys for Defendant
HARTFORD LIFE GROUP INSURANCE
COMPANY

To: Scott M. Riemer, Esq. (SR 5005)
RIEMER & ASSOCIATES LLC
60 East 42nd Street, Suite 1750
New York, New York 10165
Telephone: (212) 297-0700
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, JOHN T. SEYBERT, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF MOTION** was served **via ECF** on July 23, 2010, upon the following:

Scott M. Riemer, Esq. (SR 5005)
RIEMER & ASSOCIATES LLC
60 East 42nd Street, Suite 2430
New York, New York 10165
Tel.: (212) 297-0700

Dated: New York, New York
July 23, 2010

s/_____
JOHN T. SEYBERT (JS 5014)